

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

JANUARY 23, 2008

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY
PUBLIC MATTER NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE ALLOCATION OF THE 2007 BULLETPROOF VEST GRANT (BPV) FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE. (Communication No. 08-18 being held in Committee of the Whole) Proof of publication

SECTION II REQUEST FOR PROPOSALS

FOR THE PURPOSE OF RECEIVING SEALED PROPOSALS FROM QUALIFIED AND EXPERIENCED CONSULTANTS, FIRMS OR QUALIFIED INDIVIDUALS TO PROVIDE PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF A DEBIT/CREDIT PROCESSING SYSTEM FOR VARIOUS BUTTE-SILVER BOW CITY-COUNTY LOCAL GOVERNMENT OFFICES, TO BE ADMINISTERED THROUGH THE FINANCE AND BUDGET OFFICE. (Communication No. 08-15 being held in Committee of the Whole) Proof of publication

SECTION III CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. 08-36 Robert A. Macioroski, Director Land Records, requesting authorization for Chief Executive to enter into a contract with DLT Solutions for on-line support of AutoCAD Software. **Recommendation: concur and place on file.**
2. 08-37 Gary Keeler, Landfill Manager, requesting authorization for Chief Executive to execute a change order for the Landfill Phase 3 Expansion. **Recommendation: concur and place on file.**
3. 08-38 Sharon Crase, Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
4. 08-39 Bob McCarthy, County Attorney, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
5. 08-40 Dawn Silk, Public Works Department Accountant, requesting Butte-Silver Bow, Department of Public Works, Water Utility Division Annual Financial Report. **Recommendation: note and place on file.**
6. 08-42 Paul Babb, Chief Executive, requesting concurrence in reappointment of Tim Norbeck to the Greenway Authority Board. **Recommendation: concur and place on file.**
7. 08-43 Paul Babb, Chief Executive, requesting concurrence in reappointment of Pete Steilman to the Law Enforcement Commission. **Recommendation: concur and place on file.**
8. 08-44 Paul Babb, Chief Executive, requesting concurrence in appointment of Jim Fay to the Greenway Authority Board. **Recommendation: concur and place on file.**
9. 08-45 Paul Babb, Chief Executive, requesting concurrence in appointment of Todd Tregidga to the TIFID Board. **Recommendation: concur and place on file.**
10. 08-46 Paul Babb, Chief Executive, requesting concurrence in appointment of Judy Kruzich to the Animal Shelter Board. **Recommendation: concur and place on file.**

11. 08-47 Robert A. Macioroski, Director Land Records Department, requesting approval for removal of taxes on Tax Parcel No. 1719300. **Recommendation: refer to Judiciary Committee.**
12. 08-48 Jon C. Sesso, Planning Director/Superfund Coordinator, requesting time on the 2/6/08 agenda to conduct a public hearing for unanticipated revenue to complete improvements to Alumni Coliseum on the Tech Campus. **Schedule public hearing for 2/6/08 and hold in Committee of the Whole.**
13. 08-49 Mary M. McMahon, Clerk and Recorder/Election Administrator, requesting authorization for Chief Executive to enter into restricted use agreement with Montana Department of Justice for voter identification verification. **Recommendation: concur and place on file.**
14. 08-50 Rick Larson, Public Health Officer, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
15. 08-51 Paul Babb, Chief Executive, requesting concurrence in reappointment of Wally Frasz to East Butte RRA Board. **Recommendation: concur and place on file.**
16. 08-52 John P. Walsh, Sheriff, requesting time on the 2/13/08 agenda to open RFP documents for upgrade to existing analog CCTV system to a digital system and professional maintenance service. **Recommendation: schedule opening of RFP's for 2/13/08 and hold in Committee of the Whole.**
17. 08-53 Paul Babb, Chief Executive, requesting concurrence in reappointments to the Public Archives Board. **Recommendation: concur and place on file.**
18. 08-54 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into agreement with Daniel and Vera Meeks for Housing Rehabilitation Deferred Loan Agreement. **Recommendation: concur and place on file.**
19. 08-56 Virginia Hanson, Risk Management Coordinator, requesting a traffic study be conducted at the intersection of Utah and Marcia. **Recommendation: refer to Public Works Committee.**

20. 08-57 John Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
21. 08-58 Robert A. Macioroski, Director Land Office, requesting approval for Chief Executive to sign a deed from Arco Environmental Remediation L.L.C. to Butte –Silver Bow for Meyers Dam. **Recommendation: concur and place on file.**
22. 08-60 Suzan Maloney, Cemetery Coordinator, requesting authorization for Chief Executive to sign maintenance contract with Empire Office Machines. **Recommendation: concur and place on file.**
23. 08-61 Karen Byrnes, Director Community Development Department, requesting authorization to issue Developer's Packet for City-County owned property located on East Park Street. **Recommendation: concur and place on file.**
- 24 08-62 Bob McCarthy, County Attorney, requesting Council order assessment of costs against property for demolition and removal of trailer located at 731 N. Main Street. **Recommendation: concur and place on file.**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-41 John P. Walsh, Sheriff, requesting time on 2/6/08 agenda for confirmation of Joshua Stearns as a permanent member of the Butte-Silver Bow Law Enforcement Department.
2. 08-55 Paul Babb, Chief Executive, requesting concurrence in the confirmation of Jason Martin as a firefighter.
3. 08-59 Paul Babb, Chief Executive, requesting concurrence for promotions to Captain for the Butte-Silver Fire Department.

SECTION V ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 08-2 ORDINANCE NO. 08-2

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SECTION 10.32.010(I)

OF THE BUTTE-SILVER BOW MUNICIPAL COD (B-SB MC) ENTITLED “STOP SIGNS”; PROVIDING THAT TRAFFIC PROCEEDING ALONG IRON STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF IRON STREET AND NEVADA STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 08-3
ORDINANCE NO. 08-3**

A RESOLUTION AMENDING BUTTE-SILVER BOW ORDINANCE NO. 345 AND CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT DEPARTMENT”; AMENDING SECTIONS 2.20.280, 2.20.290 AND 2.20.300, B-SB MC; CHANGING THE DIVISIONS IN THE LAW ENFORCEMENT DEPARTMENT TO DETENTION, OPERATIONS AND INVESTIGATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

3. COUNCIL RESOLUTION NO. 08-1

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION TO PURCHASE TWO FLHTP HARLEY DAVIDSON MOTORCYCLES TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

4. COUNCIL RESOLUTION NO. 08-2

RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 08-4

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS A PORTION OF THE LATE ACQUISITION LODE, MINERAL SURVEY NO. 497 AND A PORTION OF THE WOOLMAN LODE, MINERAL SURVEY NO. 546, ALL LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES

COMMITTEE OF THE WHOLE MEETING REPORT
JANUARY 16, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. ***Committee recommends that Communication No. 07-259 be held in abeyance.***

SECTION II **COMMUNICATION NO. 07-669**

Donald L. Kronenberger, Sr., requesting Council grant annexation of the Fish Creek/Little Fish Creek drainage strip off Highway 41 into the Jefferson Valley Rural Fire District. ***Committee recommends that Communication No. 07-669 be held in abeyance.***

SECTION III **COMMUNICATION NO. 07-731**

Jeff Amerman, Finance and Budget Director, requesting time on the 11/28/07 agenda to give council update on the recent IRS examination. ***Committee recommends that Communication No. 07-731 be held in abeyance.***

SECTION IV

Gary Keeler, Transit Director, requesting time on 1/9/08 agenda for the purpose of conducting a public hearing regarding the update to Butte-Silver Bow's Paratransit Plan. ***Committee recommends that Communication No. 07-778 be placed on file.***

SECTION V **COMMUNICATION NO. 08-5**

John VanDaveer, Director Public Works Department, requesting authorization for Chief Executive to enter into contract with Earhart Builders for work on Chelsea Bailey Animal Shelter. ***Committee recommends that Communication No. 08-5 be placed on file.***

SECTION VI**COMMUNICATION NO. 08-10**

Bob Macioroski, Director Butte-Silver Bow Land Office, requesting council direct County Attorney to prepare a resolution and deed for transfer of co-owned property to Ed Scott. *Committee recommends that Communication No. 08-10 be held in abeyance.*

SECTION VII**COMMUNICATION NO. 08-16**

Paul Babb, Chief Executive, requesting concurrence in promotion of Richard Ryan to Battalion Chief. *Committee recommends that Communication No. 08-16 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. 08-18**

Karen Byrnes, Director Community Development Department, requesting time on 1/23/08 agenda to conduct a public hearing for unanticipated funds for LED. *Committee recommendation No. 08-18 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 08-35**

Bob McCarthy, County Attorney, requesting Council suspend action on Communication No. 08-17 and reschedule time on 1/23/08 agenda for opening proposals for implementation of debit-credit card processing system. *Committee recommends that Communication No. 08-35 be held in abeyance.*

SECTION VI**COMMUNICATION NO. 08-11**

Bill Melvin, Civic Center Director, requesting approval of line item
Budget transfers. *Committee recommends that Communication No. 08-11 be
approved and placed on file.*

SECTION VII**COMMUNICATION NO. 08-13**

John Moodry, Weed Department Director, requesting approval of line budget
transfers. *Committee recommends that Communication No. 08-13 be approved
and placed on file.*

SECTION VIII**COMMUNICATION NO. 08-15**

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
*Committee recommends that Communication No. 08-15 be approved and placed
on file.*

SECTION IX**COMMUNICATION NO. 08-26**

Jeff Amerman, Budget Director, requesting approval of line item budget transfers.
*Committee recommends that Communication No. 08-26 be approved and
placed on file.*

SECTION X**EXPENDITURE APPROVAL**

1/9/08	\$989,549.03
1/16/08	\$790,646.04

Committee recommends approve of above expenditures.

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 16, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I

COUNCIL BILL NO. 08-1 ORDINANCE NO. 08-1

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 195 AND CHAPTER 15.10 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "FIRE CODE" AND AMENDING SECTION 15.10.060, B-SB MC; RESTRICTING THE USE AND DISCHARGE OF FIREWORKS TO THE SAME PERIODS WHEN FIREWORKS CAN BE SOLD IN THE STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 08-1, Ordinance No. 08-1 be held in abeyance. Refer back to County Attorney's office to add new Section 2 as proposed in Commissioner Shaw's memo dated 1-16-08 and return to Judiciary Committee.*

SECTION II

CLAIM APPROVAL

5474	Arc Electric	\$30.00	Electrical Permit Refund
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Committee recommends approval of above claim.

PUBLIC WORKS COMMITTEE MEETING REPORT

JANUARY 16, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 06-531**

Charlie O’Leary, Commissioner District 5, requesting Council refer to Judiciary Committee for the purpose of declaring gas tax road 235 (A/K/A the east portion of Forest Service Road 84) as a county road. *Committee recommends that Communication No. 06-531 be held in abeyance. Waiting for surveyor to complete legal survey of the road in question and forward the results to the County Attorney.*

SECTION II **PETITION NO. 07-9**

John Harrington, Building Official, requesting on behalf of Butte School District #1 to close and vacate a portion of Wyoming South of Silver Street. ***Committee recommends that Petition No. 07-9 be held in abeyance.***

SECTION III **COMMUNICATION NO. 07-642**

Joseph E. Lee, Commissioner, District #2, requesting traffic study be conducted at intersections of State and Sherman and State and Banks Streets. ***Committee recommends that Communication No. 07-642 be held in abeyance.***

SECTION IV

COMMUNICATION NO. 07-655

Mike Sheehy, Commissioner District 10, requesting a stop sign on Iron and Nevada Streets. *Committee recommends that Communication No. 07-655 be held in abeyance. County Attorney preparing a resolution for committee approval.*

SECTION V **COMMUNICATION NO. 06-659**

Mike Sheehy, Commissioner District 10, requesting paving of Hill Top Apartments driveway. ***Public Works Committee placed Communication No. 06-659 on file.***

